## KYLE *v.* HAMMOND.

APPEAL FROM THE CIRCUIT COURT OF APPEALS FOR THE FIRST CIRCUIT.

No. 972. Submitted March 11, 1912.—Decided March 18, 1912.

Under the saving clause of the act of June 7, 1878, 20 Stat. 99, c. 160, the review of the order in this case was not provided for by the Judiciary Act of 1891.

*Mr. Hollis R. Bailey*, for appellees, in support of motion to dismiss or affirm.

*Mr. Warren Ozro Kyle*, for appellants, in opposition thereto.

*Per Curiam:* Before the repeal of the Bankruptcy Act of 1867 the decision of the Circuit Court would have been final. *Wiswall* v. *Campbell*, 93 U. S. 347, 348, and cases cited; *Cleveland Ins. Co.* v. *Globe Ins. Co.*, 98 U. S. 366. In view of the saving clause of the repealing act of June 7, 1878, 20 Stat. 99, we are of opinion the review of such an order was not provided for by the Judiciary Act of 1891.

The decision in *Huntington* v. *Saunders*, 163 U. S. 319, is not to the contrary. There it was merely decided that if the act of 1891 authorized a review of analogous orders, the one sought to be reviewed did not involve the requisite jurisdictional amount.

The appeal is dismissed for want of jurisdiction.

## SUPREME COURT OF THE UNITED STATES.
## OCTOBER TERM, 1911.

Order: It is ordered by the court that section 3 of rule 37 be amended so as to read as follows:

"3. Where an application is submitted to this court for a writ of certiorari to review a decision of a circuit court of appeals or any other court, it shall be necessary for the petitioner to furnish as an exhibit to the petition a certified copy of the entire transcript of record of the case, including the proceedings in the court to which the writ of certiorari is asked to be directed. The petition shall contain only a summary and short statement of the matter involved and the general reasons relied on for the allowance of the writ. A failure to comply with this provision will be deemed a sufficient reason for denying the petition. Thirty printed copies of such petition and of any brief deemed necessary shall be filed. Notice of the date of submission of the petition, together with a copy of the petition and brief, if any, in support of the same shall be served on the counsel for the respondent at least two weeks before such date in all cases except where the counsel to be notified resides west of the Rocky Mountains, in which cases the time shall be at least three weeks. The brief for the respondent, if any, shall be filed at least three days before the date fixed for the submission of the petition. Oral argument will not be permitted on such petitions, and no petition will be received within three days next before the day fixed upon for the adjournment of the court for the term."

Promulgated June 10, 1912.